

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KAMAR SAMUELS and MOZELLA
McCLENDON-SAMUELS,
Plaintiffs,

v.
POCANO MOUNTAIN REGIONAL
POLICE DEPARTMENT, et al.,
Defendants.

CIVIL ACTION NO. 3:13-CV-2922
(JUDGE CAPUTO)
(MAGISTRATE JUDGE CARLSON)

ORDER

NOW, this 12th day of March, 2014, upon review of the Report and
Recommendation of Magistrate Judge Carlson (Doc. 11) for plain error or manifest
injustice, IT IS HEREBY ORDERED that the Report & Recommendation (Doc. 11) is
ADOPTED as follows:

- (1) Defendants' motions to dismiss (Docs. 7 and 8) are **GRANTED in part and DENIED in part** as follows:
 - (a) Defendants' motions to dismiss Plaintiffs' claim for malicious prosecution (Count I) are **GRANTED** and this claim is **DISMISSED with prejudice**. As Officer Schmidt is named in Count I only, he is **DISMISSED** as a Defendant.
 - (b) Defendants' motions to dismiss Plaintiffs' claim for punitive damages against the Municipalities are **GRANTED** and this claim is **DISMISSED with prejudice**.
 - (c) In all other respects, Defendants' motions to dismiss are **DENIED**. The parties are instructed to proceed with discovery regarding Plaintiffs' remaining claims for unlawful arrest, excessive force, and municipal liability set forth in

Counts II, III, and IV of the Complaint.

(2) The matter is **RECOMMITTED** to Magistrate Judge Carlson for further proceedings.



A. Richard Caputo
United States District Judge